

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 3/24/2021
--

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
RAMON O. CANELAS,

Plaintiff,

-against-

19-CV-6105 (VEC)

JUDGMENT

FRANK & NINO'S PIZZA CORP, *d/b/a Nona's*
Pizza; NAIM ELEZAJ, *a/k/a Nino Elezaj and a/k/a*
Nona Elezaj; FIDAIM ELEZAJ, *a/k/a Frank*
Elezaj; FAZLIJA ELEZAJ,

Defendants.
-----X

VALERIE CAPRONI, United States District Judge:

WHEREAS on January 7, 2021, Defendants served on Plaintiff a Rule 68 Offer of Judgment, which Defendants contend provides for complete satisfaction of Plaintiff's claims, *see* Dkt. 85-6;

WHEREAS Defendants' Rule 68 Offer of Judgment affords a judgment in favor of Plaintiff Ramon O. Canelas against Defendants, jointly and severally, in the sum of \$45,548.74, in complete satisfaction of Plaintiff's claims against Defendants, *see id.*;

WHEREAS pursuant to Defendants' Rule 68 Offer of Judgment, Plaintiff is entitled to receive personally \$33,020.17, and Plaintiff's counsel is entitled to recover \$10,896.83 in attorneys' fees and \$1,631.20 in costs, *see id.*;

WHEREAS pursuant to Defendants' Rule 68 Offer of Judgment, Defendants consent to the Court's entrance of an injunction barring Defendants from engaging in any illegal practices set forth within the complaint, *see id.*;

WHEREAS on January 8, 2021, Defendants moved the Court for an order entering judgment pursuant to Rule 54 against Defendants and in favor of Plaintiff upon the same terms as those set forth in Defendant's Rule 68 Offer of Judgment and thereafter dismissing Plaintiff's complaint as moot, *see* Dkt. 85;

WHEREAS following briefing of Defendants' motion, the Court ordered the parties, including the Plaintiff, to appear for a hearing on March 23, 2021 (Dkt. 97);

WHEREAS on March 23, 2021, in open court, Plaintiff accepted Defendants' Rule 68 Offer of Judgment, with no objection from Defendants and with Defendants pressing the position that the offer remained open, provided Plaintiff complete relief, and that the Court should grant Defendants' pending motion to dismiss in light of their Rule 68 Offer of Judgment; and

WHEREAS Plaintiff's attorney represented in open court that he still has the check that had been tendered by Defendants with their Offer of Judgment and that his firm could provide Plaintiff his portion of those funds not later than March 26, 2021;

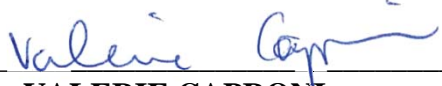
IT IS HEREBY ORDERED that, based on Plaintiff's acceptance of the Offer of Judgment and without a finding that Defendants' motion was meritorious, judgment is entered in favor of Plaintiff Ramon O. Canelas in the amount of \$45,548.74 against Defendants Frank & Nino's Pizza Corp., d/b/a Nona's Pizza, Naim Elezaj, a/k/a Nino Elezaj and a/k/a Nona Elezaj, Fidaime Elezaj, a/k/a Frank Elezaj, and Fazlija Elezaj, Of this total amount, Plaintiff is entitled to \$33,020.17, and Plaintiff's counsel is entitled to \$10,896.83 in attorneys' fees and \$1,631.20 in costs. This judgment shall constitute full satisfaction of Plaintiff's claims against Defendants and shall release Defendants from any and all liability claimed in this action.

IT IS FURTHER ORDERED that Defendants are enjoined from committing any of the Fair Labor Standards Act or New York Labor Law violations set forth in Plaintiff's complaint.

The Clerk of Court is respectfully requested to terminate all open motions and to close this case.

SO ORDERED.

Date: March 24, 2021
New York, NY



VALERIE CAPRONI
United States District Judge